

Deconstructing Village Law through Maqasid al-Shari'ah: An Indonesian Legislative Study

Risqi Dafiro*

Islamic State University of Kiai Haji Achmad Siddiq Jember, Indonesia

Busriyanti

Islamic State University of Kiai Haji Achmad Siddiq Jember, Indonesia

*Corresponding Author's Email: risqi2024@gmail.com

Article	Abstract
<p>How to cite: Risqi Dafiro & Busriyanti, 'Deconstructing Village Law through Maqasid al- Shari'ah: An Indonesian Legislative Study' (2024) Vol. 5 No. 2 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v5i2.332</p> <p>Article History: Submitted: 27/05/2024 Reviewed: 07/06/2024 Revised: 18/05/2024 Accepted: 02/07/2024</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>This study employs a library research method to examine the formulation of Law Number 6 of 2014 concerning Villages through the lens of Maqashid Syariah, the objectives of Islamic law. The law is recognized as reflecting strong Islamic values, consistent with the perspective of Imam Al-Ghazali, who emphasized that Islamic law aims to achieve the well-being and happiness of humanity both in this world and the hereafter. The five key components of Maqashid Syariah protection of religion (hifdz ad-din), life (hifdz an-nafs), intellect (hifdz al-'aql), lineage (hifdz an-nasb), and property (hifdz al-maal) serve as the evaluative framework in this analysis. The research findings indicate that the establishment of Law Number 6 of 2014 was intended to enhance the effectiveness of village governance, improve public service delivery, strengthen community empowerment, and encourage active citizen participation in national development. The law provides maslahah (public benefit) by addressing the universal needs of society and aligning with the principles of Maqashid Syariah. Additionally, the study affirms that the law not only benefits Muslims but also serves the interests of non-Muslim communities, thereby reinforcing the universal applicability of Islamic legal values. The analysis concludes that the integration of Maqashid Syariah into legislative processes, as demonstrated by this law, supports the development of regulations that are comprehensive, inclusive, and beneficial to society. It also underscores the role of Islamic legal philosophy as a valuable standard for law-making aimed at achieving sustainable and widespread societal welfare.</p> <p>Keywords: <i>Village, Maqasid, Legislative.</i></p> <p>Abstrak Penelitian ini menggunakan metode studi kepustakaan untuk mengkaji perumusan Undang-Undang Nomor 6 Tahun 2014 tentang Desa dalam perspektif Maqashid Syariah, yaitu tujuan-tujuan hukum Islam. Undang-undang ini dipandang mencerminkan nilai-nilai Islam yang kuat, sejalan dengan pandangan Imam Al-Ghazali yang menekankan bahwa hukum Islam bertujuan untuk mewujudkan kemaslahatan dan kebahagiaan manusia, baik di dunia maupun di akhirat. Lima elemen utama dalam Maqashid Syariah—menjaga agama (hifdz ad-din), jiwa (hifdz an-nafs), akal (hifdz al-'aql), keturunan (hifdz an-nasb), dan harta (hifdz al-maal)—menjadi kerangka evaluatif dalam analisis ini. Hasil penelitian menunjukkan bahwa pembentukan Undang-Undang Nomor 6 Tahun 2014 bertujuan meningkatkan efektivitas penyelenggaraan pemerintahan desa, memperbaiki kualitas pelayanan publik, memperkuat pemberdayaan masyarakat, serta mendorong partisipasi aktif warga dalam pembangunan nasional. Undang-undang ini memberikan maslahah (kemanfaatan) bagi masyarakat dengan memenuhi kebutuhan universal yang selaras dengan prinsip-prinsip Maqashid Syariah. Selain itu, penelitian ini menegaskan bahwa undang-undang tersebut tidak hanya memberikan manfaat bagi umat Islam,</p>

tetapi juga bagi masyarakat non-Muslim, sehingga menunjukkan nilai-nilai hukum Islam yang bersifat universal. Kesimpulan dari analisis ini menekankan bahwa integrasi prinsip Maqashid Syariah dalam proses legislasi, sebagaimana tercermin dalam undang-undang ini, mendukung pembentukan regulasi yang komprehensif, inklusif, dan berorientasi pada kemaslahatan masyarakat secara luas.

Kata Kunci: *Desa, Maqasid, Legislatif.*

Introduction

The 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) does not regulate villages as autonomous regions or regions that implement autonomy.¹ Autonomous regions, according to the 1945 Constitution, are provincial regions, district regions and cities. Even though the Village is not an Autonomous Region, the Village is the lowest government unit in the district/city. When Law Number 32 of 2004 on Regional Government came into effect, as amended by Law of the Republic of Indonesia Number 12 of 2008 on the Second Amendment to Law Number 32 of 2004 on Regional Government (hereinafter referred to as Law 32/2004), Article 1 number 12 means, Village or referred to by another name, hereinafter referred to as village, is a legal community unit that has territorial boundaries that is authorized to regulate and manage the interests of the local community, based on local origins and customs that are recognized and respected in the Government system of the Unitary State of the Republic of Indonesia.²

The contents of PP 72/2005 include, among other things, the organizational structure and working procedures of village government, which are regulated in Article 12:

1. The Village Government as referred to in Article 11 consists of the Village Head and Village Apparatus.³
2. The Village Apparatus as referred to in paragraph (1) consists of the Village Secretary and other Village Apparatus.
3. Other village apparatus as referred to in paragraph (2) consist of: a. village secretariat; b. field technical implementers; c. territorial elements.
4. The number of Village Apparatus as referred to in paragraph (2) is adjusted to the needs and socio-cultural conditions of the local community.
5. The organizational structure and working procedures of the village government are determined by village regulations.⁴

In determining Village Regulations on the Organizational Structure and Work Procedures of the Village Government, the village government refers to the guidelines stipulated in the Regency/City Regional Regulations.⁵ Article 13 of PP 72/2005 stipulates, in paragraph (1), Further provisions regarding Guidelines for the Preparation of Village Government Organizations and Work Procedures are regulated by District/City Regional

¹ Didik Suhariyanto, "PKM Pengenalan UU Desa: Langkah Pemerintah Menggenapi Ikrar Kesejahteraan Melalui Pembentukan Peraturan Desa (Perdes) di Desa Wanaherang Gunung Putri Bogor" *Jurnal Abdimas Bina Bangsa*, 4 No. 3, 2023: 429.

² Kiki Endah, "Penyelenggaraan Pemerintah Desa menurut Undang-Undang Nomor 6 Tahun 2014 tentang Desa" *Dinamika*, 5 No.1, 2018: 76.

³ Article 11 of PP 72/2005 stipulates that the Village Government consists of the Village Government and the BPD.

⁴ This is the implementation of Article 202 of Law 32/2004: (1) The village government consists of the village head and village apparatus. (2) The village apparatus consists of the village secretary and other village apparatus. (3) The village secretary as referred to in paragraph (2) is filled by civil servants who meet the requirements.

⁵ Dwi Nur Kolipah & Muhyidin, "Peraturan Desa dan kedudukannya dalam Sistem Hukum Indonesia" *the Republic*, 01 No.02, 2024:62.

Regulations. Furthermore, paragraph (2) stipulates, District/City Regional Regulations as referred to in paragraph (1), at least contain: a. procedures for preparing organizational structures; b. apparatus; c. duties and functions; d. working relationships.

In the context of Islamic law, especially Maqashid Syariah, which is a guideline for Muslims in determining a law, seen from its meaning, Maqashid Syariah is two words that form Maqashid Syariah. The plural form of the word maqshad means to intend and aim⁶, Meanwhile, sharia is the laws of Allah SWT which must be obeyed by humans in order to achieve happiness both in this world and in the hereafter.⁷ Both have the same meaning, namely the main value of a legal determination, as well as the ability to achieve the objectives of the legal determination itself.⁸ In terms of the research instrument, Law Number 6 of 2014 concerning Villages is acknowledged to have a very strong Islamic spirit, the Islamic legal values contained in this law are as stated by Imam Al-Ghazali⁹ which states that in general Islamic law is present with the aim of the welfare and interests and happiness of all humans, both happiness in the world and happiness in the hereafter. Related to this, in its implementation, there are five main elements that are the benchmark for the objectives of Islamic law or Maqashid Syariah, namely, Maintaining religion (hifdz ad-din), Maintaining the soul (hifdz an-nafs), Maintaining reason (hifdz al'aql), Maintaining descendants (hifdz an-nasbi), Maintaining property (hifdz al-maal).¹⁰

In this study, the values contained in Law Number 6 of 2014 concerning Villages contain three things, namely maintaining religion (hifdz ad-din), maintaining descendants (hifdz an-nasbi), and also maintaining property (hifdz al-maal)

According to the researcher's analysis, the formation of Law Number 6 of 2014 concerning Villages, there in the points of each article contains the meaning that has been mentioned by Imam Al-Ghazali, namely maintaining religion (hifdz ad-din), maintaining descendants (hifdz an-nasbi), and also maintaining property (hifdz al-maal) the benefits of which will of course be felt by humans because they have greater control over issues that are crucial for the sustainability of a country. A small example is in Article 12, for example, which reads:

1. The Village Government as referred to in Article 11 consists of the Village Head and Village Apparatus.¹¹
2. The Village Apparatus as referred to in paragraph (1) consists of the Village Secretary and other Village Apparatus.
3. Other village apparatus as referred to in paragraph (2) consist of: a. village secretariat; b. field technical implementers; c. territorial elements.
4. The number of Village Apparatus as referred to in paragraph (2) is adjusted to the needs and socio-cultural conditions of the local community.
5. The organizational structure and working procedures of the village government are determined by village regulations.¹²

⁶ Syukur Prihantoro, *Maqashid al-Syariah dalam Pandangan Jasser Auda (Sebuah Upaya Rekonstruksi Hukum Islam Melalui Pendekatan Sistem)*, Jurnal At-Tafkir X, No.1, 2017, h. 122

⁷ Ghofar Shidiq, *Teori Maqashid Al-Syariah dalam Hukum Islam*, Sultan Agung XLIV, No.118 Juni, 2009, h. 118

⁸ *Ibid.*

⁹ Ahmad Sarwat, *Maqashid Syariah* (Jakarta Selatan : Rumah Fiqih Publishing, 2019), h. 56

¹⁰ *Ibid.*

¹¹ Article 11 of PP 72/2005 stipulates that the Village Government consists of the Village Government and the BPD.

This article explains that villages are formed in districts/cities, and in villages a village government is formed that exercises the authority to regulate and manage the interests of the local community, with this, the existence of Law No. 6 of 2014 concerning Villages provides a breadth for villages to always develop because there is a benefit there, especially regarding matters related to rural communities. to maintain what has been mentioned by Imam al-Ghazali, maintaining religion (hifdz ad-din), maintaining descendants (hifdz an-nasbi), and also maintaining property (hifdz al-maal), then according to the researcher's analysis that Law No. 6 of 2014 concerning Villages provides a benefit for the sustainability of the community that lives it, the discussion in this study will be discussed further in the next chapter.

Research Method

The type of research used is library research, the research of which is centered in the library in order to obtain data without conducting field research. So that the data source is obtained using literature or regulations and norms related to the problem to be studied, namely in the form of books that examine the Review of Maqashid Syariah on the Formation of Law Number 6 of 2014 Concerning Villages.

Results and Discussion

Formation of Law Number 6 of 2014 on Villages

The Reformation and Amendment of the 1945 Constitution of the Republic of Indonesia has made many improvements to the construction of the Indonesian state system. One of the most fundamental is the implementation of regional autonomy. Regional autonomy is a form of shift in the political system from authoritarian-centralistic to democratic-decentralistic. The great ideals carried by regional autonomy are to accelerate the realization of public welfare through improving public services, increasing empowerment and community participation in national development, and increasing regional competitiveness.

There are several reasons why the government has imposed a moratorium on the formation of villages and sub-districts, including the government's assessment that the formation of villages is too burdensome for government finances, in addition to the effectiveness of the village formation program in the form of improving the quality of community welfare not showing significant results. The results of the performance evaluation of New Autonomous Regions (DOB) conducted by the Ministry of Home Affairs stated that only 58.71% performed highly. The remaining 34.19% performed moderately, and 4.16% performed poorly, even President Susilo Bambang Yudhoyono himself reported that 80% of DOBs failed to improve welfare.

The Ministry of Home Affairs explained to the media that:⁶ "The moratorium on the expansion of sub-districts and villages was carried out because it was feared that it would disrupt the preparation for the 2014 Election. In addition, the Village Bill (RUU) is currently being prepared,". On another occasion, the Ministry of Home Affairs explained that "the moratorium was based on the consideration that the expansion of villages and sub-districts carried out by regencies/cities recently was deemed not to comply with the requirements, because many villages were expanded by force and there were certain interests."

¹² This is the implementation of Article 202 of Law 32/2004: (1) The village government consists of the village head and village apparatus. (2) The village apparatus consists of the village secretary and other village apparatus. (3) The village secretary as referred to in paragraph (2) is filled by civil servants who meet the requirements.

As mentioned above, regional autonomy, village autonomy and village formation policies are government legal policies intended to improve the quality of community welfare through improving the quality of public services, improving the quality of community empowerment, and improving the quality of community participation in national development. Because of this and all of the explanations above, the researcher is interested in conducting an in-depth study of the legal policy of village formation according to Law No. 6 of 2014 concerning Villages. The provisions in Article 8 of Law No. 6 of 2014 regulate more about the formation of new Villages. This article begins with a paragraph on the definition of Village formation. Village formation as stated in Article 8 paragraph (1) is an act of establishing a new Village outside of an existing Village. In the explanation section, it is stated that Village formation can be in the form of: a) expansion of 1 (one) Village into 2 (two) or more Villages; b) merging parts of Villages from adjacent Villages into 1 (one) Village; or c) merging several Villages into 1 (one) new Village. Article 2 emphasizes that the formation of a Village is determined by a District/City Regulation by considering six aspects, namely: (1) village community initiative; (2) origin; (3) customs; (4) socio-cultural conditions of the village community; (5) village capacity; and (6) village potential.

The establishment of a village in a special and strategic area is regulated in Article 13. This article is separate from Article 8 which regulates the requirements for establishing a village. Because it is of a formation nature, the presentation of this article is more emphasized, so that the discussion of village formation is presented in a coherent manner. Article 13 does not explain the specific prerequisites for establishing a village in a special and strategic area, so the requirements for establishing a village in a special and strategic area as referred to in Article 13 refer to the general clause that regulates the requirements for establishing a village, namely Article 8.

The district/city regional government in initiating the establishment of a Village must be based on the results of an evaluation of the level of development of Village Government in its area. In initiating the formation of this village, the district/city government must consider the initiative of the village community, origins, customs, socio-cultural conditions of the village community, as well as the capabilities and potential of the village..

In forming a village through village expansion, the district/city government must socialize the village expansion plan to the parent village government and the relevant village community.¹¹ The village expansion plan is discussed by the parent village consultative body in a village meeting to reach an agreement. The results of the village meeting agreement become considerations and input for the regent/mayor in carrying out village expansion.

The formation of Law Number 6 of 2014 on Villages has provided benefits (maslahah) for the community

Islamic law has been perfectly established and the transmission of revelation has ended with the death of the Prophet, therefore the possibility of legal transformation for its followers is also closed, except by conducting a careful and thorough investigation of the intent and purpose of the law (Maqashid Syariah), to be understood properly and applied appropriately in carrying out Islamic legal *ijtihad* in theoretical terms, as well as its practical application.¹³

The purpose of establishing the law, which we often know as Maqashid Syariah, is one of the important concepts in the study of Islamic law. Because it must be understood by

¹³ Masyhari, "Urgensi Maqashid Syariah," STAIC, 20 November 2020, [staic.ac.id/ Maqashid Syariah](http://staic.ac.id/Maqashid_Syariah).

mujtahids who perform ijtihad. The discipline of Maqashid Syariah is also considered prospective and has a forward-looking reach in the study of Islamic legal literature, Maqashid Syariah is also knowledge that we must learn together, and it is the right of every person. However, this knowledge must be placed in its place and position according to its position, be it scholars, seekers of knowledge (طالب العلم), lay people and all mukallaf so that each can benefit from it without exceeding the limits and levels of their abilities. But it must be underlined that only scholars may use it in taking laws and giving fatwas based on Maqashid Syariah, so that later there will be nothing detrimental.

Knowing and understanding Maqashid Syariah in its entirety is something that must be studied by us all, considering that, in order to be able to correctly understand the shari'a texts contained in it, even Imam Al-Syatibi in his book *al-Muwafaqot* said that: In an effort to explore Islamic law or *istinbat al-ahkam*, a person must understand Maqashid Syariah.¹⁴

It is believed that no law is made without a purpose. In the context of Islamic law, this purpose has become a separate discipline known as Maqashid Syariah. Because in the sense of Maqashid Syariah itself, it consists of two words, Maqashid and Syariah. The word Maqashid is a plural form of *maqshad* which means intent and purpose, while Syariah has the meaning of Allah's laws that are set for humans to be used as a guide to achieve happiness in life in the world and in the hereafter. Thus, Maqashid Syariah means the content of values that are the goal of legal law. Thus, Maqashid Syariah is the goals to be achieved from a legal determination.

Furthermore, the content of Maqashid Syariah can be known by referring to the expressions of al-Syathibi, an *ushul fiqh* reformer who lived in the 8th century Hijriah, in his book *Al-Muwafaqat fi Ushul al-Syariah*. There he said that in fact the Shari'ah was established for nothing other than the benefit of humans in this world and the hereafter. So, basically the Shari'ah was created to realize individual and congregational happiness, maintain the rules and enliven the world with all the means that will convey it to noble levels of perfection, goodness, culture and civilization, because the preaching of Islam is a blessing for all humans.

This is as emphasized by Al-Khadimi that Maqashid Syariah is a certain and *qat'i* argument, based on the text of the Qur'an and al-Hadith, *ijmak*, general and specific arguments, *istiqlal* against the laws of sharia, the rules of *fiqh* and *ushul fiqh*, rational reasoning and the reality of time and place. From the definition above, it can be said that the main discussion in Maqashid Syariah is the wisdom and *illat* of a law. In the study of *ushul fiqh*, wisdom is different from *illat*. *Illat* is a certain characteristic that is clear and can be known objectively (*zahir*), and has a benchmark (*mundhabit*), and is in accordance with the provisions of the law (*munasib*) whose existence determines the existence of the law. While wisdom is something that is the goal or intention of the law being prescribed in the form of benefit for humans.

To achieve such a benefit, when viewed in general, it can be achieved in two ways, namely; First, Realizing benefits, goodness and pleasure for humans which is called *jalb al-manafi'*, this benefit can be felt directly at that time or indirectly in the future. Second, Avoiding or preventing damage and evil which is often termed *dar' al-mafasid*. As for what is used as a benchmark to determine the good and bad (benefits and *mafsadah*) of something

¹⁴Sanusi, *Ushul Fiqh*. 245

that is done is what is the basic need for human life, namely primary, secondary, and tertiary needs.¹⁵

This condition then made the village at that time free to be creative and innovative in building the welfare of its people effectively. This is what is meant by Law No. 6 of 2014, where the village was given back its autonomous rights based on the rights of origin and customs that it has. However, of course the village autonomy that is meant is not absolute village autonomy as described at the beginning of the existence of the village, because the village that is now within the scope of the Unitary State of the Republic of Indonesia with the 1945 Constitution as a reference for villages in achieving common goals. However, of course the village autonomy that is meant is not village autonomy as determined by laws and regulations before Law No. 6 of 2014, where the village autonomy that is given is not clear, for example village autonomy is the remnants of regional autonomy and village government is part of regional government.

He also said that *maslahat* is to gain benefits or repel harm, which is the essence of sharia itself, the essence of sharia is divided into five, namely protecting religion, soul, reason, lineage and human property.¹⁶ According to him, everything that contains the maintenance of these five principles is beneficial. Meanwhile, anything that is contrary to these principles is considered *mafsadat*, while efforts to reject it are called *maslahat*. Implicitly, al-Ghazali wants to express that every sharia law must have the essence of its formation, namely realizing universal goodness for humans and that it is impossible to plunge humans into a hole of destruction. It seems that al-Ghazali wants to defend the "interests" of God in the text and negate goodness in the eyes of humans. According to him, benefits are benefits according to the Shari'a, not according to human perception.

Therefore, al-Ghazali launched a harsh criticism of the product of the scholars' *ijtihad* against the king who had intercourse with his wife during the day of Ramadan while fasting for two consecutive months. Because this contradicts the textual provisions of the sharia, namely freeing slaves. Furthermore, al-Ghazali stated that sharia cannot be empty of the essence of its formation which revolves around five terms, namely protecting religion, soul, reason, lineage, and human property.

Even all religions and their teachings must have the same essence in responding to the phenomena of infidelity, murder, free sex, theft, and alcohol. This is the meeting point of all religions. Universal goodness, absolute truth, and an inevitability in every religion.¹⁷

The question is, is it true that Law No. 6 of 2014 includes the welfare as expressed by al-Ghazali, then if we examine more deeply the origin of the formation, namely the formation of villages is part of the government's legal policy contained in Law No. 6 of 2014. It can be understood that the legal policy of village formation is intended for the effectiveness of village government management in order to realize community welfare through improving the quality of public services, improving the quality of community empowerment, and increasing the role and participation of the community in national development, it is included in the welfare as stated by al-Ghazali.

¹⁵Ghofar Shidiq, "*Teori Maqashid Al-Syariah dalam Hukum Islam*," Sultan Agung XLIV, no.118 (Juni, 2009): 118-119

¹⁶A. Muhyiddin Khotib, "*Rekonstruksi Fikih Zakat Dari Ibadah Menuju Muamalah Dalam Perspektif Maqashid Syariah*" (Disertasi, Universitas Islam Negeri (UIN) Sunan Ampel Surabaya, 2019), 91-92

¹⁷Sarwat, *Maqashid Syariah*, 39-41

Second, the opinion expressed by Imam Haramain al-Juwaini (died in 478 H/1185 AD) he said, "Anyone who does not understand the meaning and purpose of the commands and prohibitions of the Shari'a, then he will not know the essence of the establishment of Shari'a law itself".¹⁸

Third, Saifuddin Al-Amidi (died in 66 H/1261 AD), as quoted by Umar bin Shalih in his book "Maqashid asy-Syariah 'Inda al-Imam al-Izz bin Abdissalam" is of the opinion that an agreement has been reached among Islamic legal experts that law should not be devoid of wisdom, whether that wisdom is clearly visible or not. Ash-Syari' never stipulated that one law was made to realize the benefit of mankind.

However, according to al-Amidi, this is not a must for Allah, based on a deep observation of the customs that have been in effect in the process of forming laws.

The wisdom that can be learned from Law No. 6 of 2014 concerning Villages, especially in Article 200 paragraph (2) of Law No. 32 of 2004, emphasizes that "the formation, elimination, and/or merger of villages by considering their origins is on the initiative of the community". Furthermore, Article 2 paragraph (1) of Government Regulation No. 72 of 2005 also emphasizes that "Villages are formed on the initiative of the community by considering the origins of the village and the socio-cultural conditions of the local community". Then now, the legal basis for the formation of villages is contained in the provisions of Article 7 of Law No. 6 of 2014, where paragraph (1) reads "The Government, Provincial Government, and Regency/City Government can organize Villages", then paragraph (2) reads "The arrangement as referred to in paragraph (1) includes: the formation, elimination, merger, change of status, determination of Villages"

At the beginning of its development, village formation activities were carried out intensively throughout Indonesia.

Fourth, Al-Izz bin Abdussalam (died in 660 H/1261 AD) said, "Anyone who pays attention to the essence of sharia, in an effort to bring benefits and reject mafsadat, he will gain deep confidence and knowledge that benefits should not be ignored and mafsadat should not be approached, even though there is no ijma', text or qiyas that specifically discusses it. Because understanding the essence of sharia necessitates this.

The number of Shari'a texts is very limited and text responses to problems that arise with new faces cannot necessarily be explored quickly. However, by returning the text to the philosophical basis of its formation, it will be possible to know what the text wants and what it does not. So, the parameters are maslahah and mafsadah.

If maslahah is what is desired by the Shari'a, then mafsadah is what is opposed by the Shari'a.¹⁹

The relationship or relation in the formation of Law No. 6 of 2014 concerning Villages, is that the legislative body that drafted this Law certainly paid attention to even the smallest things, such as its positive and negative impacts, the question now is Law No. 6 of 2014 concerning Villages, does it bring benefits or not? Of course the answer is that it contains benefits, because it can minimize and reduce the situation in terms of corruption in each region.

¹⁸ Mhd Arbi Bayu Suhairi & Dhiauddin Tanjung, "Maqashid Syariah Menurut Al-Juwayn" *Modeling*, 11 No. 4, 2024: 599.

¹⁹ Sarwat, *Maqashid Syariah*, 41-42

Fifth, Ibn Qudamah al-Maqdisi (born in 541 AH and died in 629 AH) said, "Knowledge of the motivation of the Shari'a and its wisdom makes amukallaf quicker to accept it. So in fact the human soul needs laws that can be digested by reason, which leads to compulsion in the law and the bitterness of worship. For purposes like this, advice, warnings, mentioning the beauty of the Shari'a and its meanings are recommended. he implied.²⁰

The meaning contained in Law No. 6 of 2014 concerning Villages is that humanity, especially those in every village government, needs welfare and prosperity, in what way, namely by minimizing corruption carried out by leaders in every village.

Sixth, Ibn Taimiyyah (born in 1263 H and died in 1328 H), he stated that all the sharia brought by the Prophet Muhammad SAW must have the aim of realizing welfare in the world and in the hereafter. So that it is necessary that some provisions that are contrary to sharia are legally void. It is also necessary that sharia is a measure that must be used to weigh a welfare and mafsadat that is not stated in the text as a manifestation of obedience to Allah SWT and His Messenger.

In viewing the Shari'a, Ibn Taimiyah also requires the existence of maqashid in every legal decision contained in the text. However, ignorance of the maqashid of a command or prohibition does not have to negate both of these things. The principle of complete obedience and submission to Allah SWT and His Messenger must be put forward.

On the other hand, Ibn Taimiyyah explicitly wants to show that the existence of Maqashid Syariah in the text must be carried out in accordance with the instructions in the text. It is not permissible to be reckless by violating the text and not to be excessive in obeying the provisions of the text.

So that carrying out a text whose Maqashid is still unknown means carrying out the divine will.²¹

This statement issued by Ibnu Taimiyyah shows that something that is not based on the principles of Maqashid Syariah will bring harm to the people, fortunately Law no. 6 of 2014 concerning Villages, contains principles that are in accordance with Maqashid Syariah as previously mentioned.²²

Conclusion

That the Establishment of Law Number 6 of 2014 concerning Villages is intended for the effectiveness of village government management in order to realize community welfare through improving the quality of public services, improving the quality of community empowerment, and increasing community participation and participation in national development.

That the Establishment of Law Number 6 of 2014 concerning Villages has provided benefits (maslahah) for the Community is included in the maslahah as stated by al-Ghazali, namely realizing universal goodness for humans and it is impossible to plunge humans into the pit of destruction because the purpose of Law Number 6 of 2014 concerning Villages is to facilitate all matters relating to village communities in general.

²⁰Ahmad Muhammad Sa'dul Kholqi, "Urgensi Pengetahuan Maqashidus Syari'ah dalam Memahami Hukum-Hukum Masalah Kontemporer" *Miyah*, 13 No. 01, 2017: 49.

²¹Sarwat, *Maqashid Syariah.*, 42-43

²²Sarwat, *Maqashid Syariah.*, 44-45

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